

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KEJOHNA KING,

Plaintiff,

-against-

CITY OF NEWBURGH POLICE
DEPARTMENT,

Defendant.

24-CV-2964 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff, who is currently detained in the Orange County Jail, brings this *pro se* action under 42 U.S.C. § 1983, against the Newburgh Police Department (“NPD”). Plaintiff alleges that on January 11, 2024, on Dubois Street in Newburgh, NPD Detectives Edgar Kevin, Gilberto Salazar, and “others” used excessive force against him and tampered with evidence and bodycam footage. (ECF 1 ¶ IV.) For the following reasons, the complaint is dismissed without prejudice.

Plaintiff previously submitted to this court a complaint arising out of the same January 11, 2024 incident. In that complaint, Plaintiff names Detectives Kevin and Salazar, and also names Officers Jodice Kevin and Dolshun Hunter. That case is pending under docket number 24-CV-2949 (UA). Because this complaint raises the same claims, no useful purpose would be served by the filing and litigation of this duplicate lawsuit. Therefore, this complaint is dismissed without prejudice to Plaintiff’s pending case under docket number 24-CV-2949.

The Court directs the Clerk of Court not to charge Plaintiff the \$350.00 filing fee for this action, and the Warden or Superintendent having custody of Plaintiff shall not deduct or encumber funds from Plaintiff’s prison trust account for this lawsuit.

CONCLUSOIN

The Court dismisses Plaintiff's complaint without prejudice as duplicative of 24-CV-2949.

The Court directs the Clerk of Court not to charge Plaintiff the \$350.00 filing fee for this action.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: April 24, 2024
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge